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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 PALOMAR GRADING AND PAVING,)
11 INC., a California Corporation, and)
12 THE UNITED STATES OF AMERICA)
for the use and benefit of PALOMAR)
GRADING AND PAVING, INC.)

13 Plaintiff,

14 v.

15 WESTERN INSURANCE COMPANY)
16 AND CORNERSTONE BUILDING)
GROUP,)

17 Defendants.)
_____)

Civil No.08cv521 JAH (WMc)

**ORDER CONTINUING HEARING
DATE AND SETTING SCHEDULE
FOR FURTHER BRIEFING ON
DEFENDANT CORNERSTONE
BUILDING GROUP'S MOTION TO
COMPEL MEDIATION AND TO
STAY THE PROCEEDINGS
[Doc. No. 10]**

18 On May 2, 2008, Defendant Cornerstone Building Group filed a motion to compel
19 mediation and stay the proceedings. The motion is set for hearing on June 9, 2008.
20 Plaintiff filed what it refers to as a "qualified" response to the motion on May 22, 2008.
21 Plaintiff believes the Defendant's motion is now moot, because the matter has been set for
22 an Early Neutral Evaluation conference before the Honorable William McCurine, Jr.,
23 United States Magistrate Judge. Plaintiff provides absolutely no authority in support of
24 its position that the motion is now moot and fails to address to merits of the motion.
25 Defendant did not file a reply or otherwise respond to Plaintiff's contention.

26 The Court finds it appropriate to direct the parties to file further briefing in support
27 of their positions. Accordingly, IT IS HEREBY ORDERED:

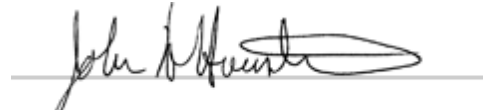
28 1. Plaintiff shall file a supplemental briefing sufficiently supporting its

1 contention the motion to compel mediation is now moot and shall also
2 address the merits of Defendant's motion **on or before June 13, 2008.**

3 2. If Defendant wishes to file a reply, the reply shall be filed **on or before June**
4 **20, 2008.**

5 3. The hearing set for June 9, 2008 is **VACATED** and rescheduled to **June 30,**
6 **2008.**

7 DATED: June 3, 2008

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9 JOHN A. HOUSTON
10 United States District Judge
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